

EXECUTIVE ORDER NUMBER 34
Amendment Number 1

Under and by virtue of the authority vested in me by law and pursuant thereto, I do hereby amend Executive Order Number 34, executed on August 7, 2012, by deleting the same in its entirety and inserting in lieu thereof the following:

WHEREAS, since the tragic events of April 27, 2011, interoperability of voice and data communications among our first responders is of paramount importance;

WHEREAS, current state and local public safety communication systems infrastructure is limited and in most cases does not facilitate interoperable communications;

WHEREAS, federal, state, local, and tribal jurisdictions presently operate numerous disparate analog and digital radio communication systems for first responder operations with Public Safety, Public Health, Public Works and others;

WHEREAS, Congress has passed legislation which has been signed into law allocating 10 MHz of radio spectrum in the 700 MHz Band (commonly referred to as the "D Block") to public safety for the purpose of building a nationwide broadband communications network;

WHEREAS, the bill creates an independent authority known as the First Responder Network Authority within the National Telecommunications and Information Administration and provides funding to use the D Block and adjacent public safety spectrum to build the network;

WHEREAS, the D Block and other 700 MHz Spectrum will provide frequencies for exclusive use by first responders to communicate with other first responders and support personnel in areas subject to emergency incidents or disaster;

WHEREAS, there is a need for direction and coordination in implementing the First Responder Network in Alabama and this administration is committed to taking all actions deemed necessary to provide for preparation of the establishment and the coordination of these state efforts to insure the use of this spectrum for first responders responding to emergencies; and,

WHEREAS, the necessity of reliable communications and interoperability among our first responders has been demonstrated in the aftermath of numerous natural disasters affecting our state.

NOW, THEREFORE, based upon these considerations, and for other good and valid reasons related thereto, I Robert Bentley, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and laws of the State of Alabama, do hereby order and direct as follows:

1. The **Alabama First Responder Wireless Commission**, hereafter referred to as the "Commission," is hereby created. The Director of the Alabama Department of Homeland Security (the "Director") shall chair said Commission and report the status of Commission's progress to the Governor's Office as needed or requested;
2. Members of the Commission shall be as follows:
 - a. The Director of the Alabama Department of Homeland Security (the "Chair");
 - b. The Director of the Alabama Emergency Management Agency;
 - c. The Director of the Alabama Department of Public Safety;
 - d. The Director of the Alabama Department of Transportation;
 - e. The Adjutant General of the Alabama National Guard;
 - f. The Administrator of the Alabama Alcoholic Beverage Control Board;

- g. The Commissioner of the Alabama Department of Conservation and Natural Resources;
 - h. The Director of the Alabama Department of Corrections;
 - i. The Chief Information Officer as appointed by the Director of the Alabama Department of Finance;
 - j. The Statewide Interoperable Communications Coordinator;
 - k. The Commissioner of the Alabama Forestry Commission;
 - l. A representative as appointed by the Alabama Sheriffs Association;
 - m. A representative as appointed by the Alabama Association of Volunteer Fire Departments;
 - n. A representative as appointed by the Alabama Association of Chiefs of Police;
 - o. The Alabama Emergency Medical Services Director;
 - p. A representative as appointed by the Alabama Association of Emergency Managers;
 - q. A representative as appointed by the Alabama Association of Fire Chiefs;
 - r. The Chairperson of the Federal Communications Commission's Region 1, 700MHz Regional Planning Committee; and,
 - s. Any additional members the Governor may choose to appoint.
3. The Chair shall have the authority to create and abolish sub-committees, appoint members of sub-committees, replace or remove sub-committee members, and task sub-committees as needed to advise, inform, and/or assist with the objectives and tasks of the Commission;
 4. The Commission shall be responsible for strategic planning for the utilization of the D Block and other 700MHz Spectrum and shall serve as the intergovernmental bridge between federal, state, local, tribal and private entities to foster and promote collaboration and information sharing regarding the use of the frequencies and infrastructure for the radio access network;
 5. The Commission shall be responsible for promoting the efficient use of public resources to ensure that essential public safety personnel have effective communications services available in emergency situations. The Commission shall identify, plan, and implement the most efficient and effective way to utilize and integrate the infrastructure, equipment, and other architecture associated with the radio access network to satisfy the wireless communications and data services needs of Alabama's first responders;
 6. The Commission shall be the primary entity within this state charged with the functional responsibility for planning, building, implementing and maintaining a radio access network and its application to first responders in Public Safety, Public Health and Public Works;
 7. The Commission shall adopt bylaws and govern its proceedings accordingly. The Commission shall meet quarterly, at a minimum, and on the call of the Chair. The Commission may receive funding or grants from the federal government and other sources for purchasing, leasing, and acquiring resources and may employ clerical, professional and other personnel as may be necessary to carry out this Executive Order;
 8. A special fund is hereby created and shall be known as the **Integrated Public Safety Communications Fund**. This fund shall be administered by the Department of Homeland Security and may be used by the Commission to construct, maintain, and operate the radio access network;
 9. The Director shall coordinate the implementation of matters relating to Title VI of the "Middle Class Tax Relief and Job Creation Act of 2012."

10. The Alabama Department of Homeland Security shall be the State administrative agent for all funding relative to the Commission's initiatives; and,
11. All state government agencies, departments, and entities shall assist and make available for the purposes of this order all publicly owned wired and wireless communications infrastructure, including, but not limited to, communications towers, fiber optics, transmission equipment, transmission frequencies and other related properties and facilities.

BE IT ORDERED that this Executive Order shall become effective immediately upon its execution and shall remain in effect until amended or modified by the Governor.

DONE AND ORDERED this 10th day of August, 2012.



Robert J. Bentley
Robert Bentley
Governor

Attested

Beth Chapman
Beth Chapman
Secretary of State